

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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| -----X | Docket# |
| UNITED STATES OF AMERICA, : | 00-cr-196(VVP) |
| : | |
| - versus - : | U.S. Courthouse |
| : | Brooklyn, New York |
| LAWRENCE RAY, : | |
| : | June 15, 2007 |
| : | |
| -----X | |

TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE VIKTOR V. POHORELSKY
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

For the Government:

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United States Attorney

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT
★ OCT 5 12 07

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1 THE CLERK: Criminal Cause for Arraignment on
2 the Violation of Probation, United States of America v.
3 Lawrence Ray. The case number is 00-cr-196.

4 Counsel, please state your name for the record.

5 MR. GREEN: Jonathan Green for the United
6 States.

7 Good afternoon, your Honor.

8 MR. FREEMAN: Louis Freeman for Lawrence Ray.

9 Good afternoon.

10 THE COURT: Good afternoon.

11 This is Judge Pohorelsky. Mr. Ray, can you
12 hear me?

13 THE DEFENDANT: Yes, your Honor, I hear you.
14 Thank you.

15 THE COURT: All right. The purpose of the
16 proceeding today is to insure that you understand why you
17 have been arrested and to schedule such further
18 proceedings as may be necessary in connection with this
19 matter. As a matter of fact, there will be further
20 proceedings. And also, we will address what to do about
21 bail.

22 Mr. Freeman, did you receive a copy of the
23 violation of supervised release report?

24 MR. FREEMAN: I did, your Honor. I received it
25 this afternoon and I have reviewed it. Unfortunately,

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1 because of my client's condition and location and
2 hospital, I haven't had a chance to go over it with him.
3 I plan on seeing him tomorrow and I will go over it at
4 that time. However, from speaking with my client, I
5 believe he has an idea of what the charges are.

6 THE COURT: Okay.

7 MR. FREEMAN: But I can't say that I have
8 reviewed it word for word with him.

9 THE COURT: Mr. Freeman, are you appearing on a
10 retained basis or are you appearing pursuant to the
11 Criminal Justice Act?

12 MR. FREEMAN: Your Honor, I am here pursuant to
13 the Criminal Justice Act and I have been assigned to
14 represent Mr. Ray.

15 THE COURT: Oh, you were previously assigned to
16 do that?

17 MR. FREEMAN: No, no, no, I wasn't.

18 THE COURT: Okay. It's by virtue of today's
19 appearance that you are being assigned.

20 MR. FREEMAN: Correct. Today is my duty day.

21 THE COURT: Understood.

22 MR. FREEMAN: And I --

23 THE COURT: I don't have yet a financial
24 affidavit that qualifies that -- that shows Mr. Ray's
25 entitlement to a court appointed counsel. However, what

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1 I will ask Mr. Freeman in light of the fact that you will
2 be appearing or that you will be visiting him tomorrow,
3 that you prepare with him the financial affidavit, so
4 that it can be presented to the Court at the next
5 appearance when Mr. Ray is able to appear in person. And
6 until that time, you are appointed pursuant to the CJA
7 Act but we do need to have that piece of paperwork taken
8 care of for a final appointment.

9 Mr. Ray, you were arrested because of various
10 allegations that you have violated the conditions of
11 supervised release including the allegations that you
12 violated release by committing other crimes and also by
13 failing to report to your pretrial -- excuse me, your
14 probation officer. So, those are the -- that's a summary
15 of the violations that you are charged with in this
16 report. Your attorney, Mr. Freeman, will go over the
17 report in more detail with you once he sees you but do
18 you understand what I have said so far about the charges?

19 THE DEFENDANT: So far, yes, I do.

20 THE COURT: All right. It's my understanding,
21 Mr. Green, that there is a conference scheduled with
22 respect to this matter.

23 MR. GREEN: Yes, your Honor, next Thursday at
24 2:30 -- June 21 at 2:30 before Judge Glasser.

25 THE COURT: All right.

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1 Mr. Ray, you do have the right to have a
2 hearing with respect to these various violations before
3 any action can be taken by the Court to change your
4 sentence or to impose any further sentence on you because
5 of the violations. The scheduling of such a hearing will
6 be addressed when you appear before Judge Glasser next
7 week.

8 And Mr. Green, I'm sorry, you said the date,
9 can you say it again for me?

10 MR. GREEN: June 21, that's next Thursday, at
11 2:30.

12 THE COURT: Okay. So you will be appearing
13 before Judge Glasser at that time, June 21 at 2:30 p.m.
14 in this courthouse unless your medical condition prevents
15 you from doing that. And, of course, Mr. Freeman will
16 advise the Court with respect to that.

17 In light of -- well, what is the government's
18 position with respect to bail?

19 MR. GREEN: The government's position,
20 your Honor, is that there is no condition or combination
21 of conditions that will insure the defendant's
22 appearance, compliance with, bail conditions or protect
23 the community from the defendant's further crimes.

24 THE COURT: Mr. Freeman?

25 MR. FREEMAN: Your Honor, I would await my

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1 meeting with Mr. Ray before addressing bail and I would
2 ask that that matter be put over until we appear before
3 Judge Glasser.

4 THE COURT: Well I need to enter some sort of
5 an order.

6 THE DEFENDANT: Your Honor?

7 THE COURT: Either a temporary order of
8 detention or a permanent order of detention with leave to
9 reopen the matter. Now let me see, you're on for next
10 Thursday before Judge Glasser. So I can enter a
11 temporary -- that's less than five days. I can enter a -
12 -

13 MR. FREEMAN: I would --

14 THE COURT: -- temporary order of detention
15 until that time.

16 MR. FREEMAN: Yes, Judge.

17 THE DEFENDANT: Your Honor?

18 MR. FREEMAN: And I understand that, Judge, and
19 I would consent to a temporary order. However, if after
20 seeing Mr. Ray on Saturday, if there's any urgency, I can
21 either bring it to your Honor's attention or to Judge
22 glasser's attention on Monday.

23 THE COURT: Well I won't be here Monday but you
24 can bring it to the attention of the --

25 THE DEFENDANT: Your Honor?

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1 THE COURT: -- whoever is on duty on Monday and
2 you're not prevented from making an earlier bail
3 application if that should prove to be something you want
4 to do. So you're certainly not prevented from that but I
5 will enter a temporary order until Thursday without --

6 THE DEFENDANT: Your Honor?

7 THE COURT: -- with leave to reopen the matter
8 earlier if that's what you want to do.

9 MR. FREEMAN: All right.

10 THE COURT: Is there anything else that we need
11 to address today, counsel?

12 THE DEFENDANT: Judge, can I -- your Honor, can
13 I say something?

14 THE COURT: Well I am not sure. Have you
15 discussed with your attorney what you want to say?

16 THE DEFENDANT: No, but I would like to say
17 something, your Honor, just one thing. I am not running
18 anywhere and have not run anywhere. Probation has had my
19 phone number for --

20 THE COURT: Mr. Ray, I can cut you off right
21 now because I think that what you're going to suggest to
22 me is that you're not -- that you shouldn't remain under
23 arrest and I am not free to eliminate the arrest.

24 THE DEFENDANT: That wasn't what I was going to
25 say, your Honor.

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1 THE COURT: Well, if that --

2 THE DEFENDANT: (inaudible).

3 THE COURT: There's nothing else for me to
4 address at this point, Mr. Ray. You will have the
5 opportunity to make whatever arguments you want to make
6 to Judge Glasser. The only --

7 THE DEFENDANT: Yes.

8 THE COURT: -- issue for me is the question of
9 bail and as to that, I am entering a temporary order and
10 when you have a chance to -- you and your attorney have
11 the opportunity to put together some kind of bail
12 package --

13 THE DEFENDANT: Thank you, your Honor.

14 THE COURT: -- that you want the Court to
15 consider, you certainly are entitled to do that and you
16 can do that as soon as Monday. So --

17 THE DEFENDANT: Your Honor? Your Honor, when I
18 was arrested Wednesday, they broke my arm, my ulnar is
19 broken in half. I am waiting surgery on -- now it's
20 scheduled for Monday. I would also just ask -- I don't
21 want -- I mean, I can't even move my arm. If I move it
22 an inch, the bone starts rubbing together. It hurts. So
23 I would just ask that nobody do anything to interfere
24 with my medical treatment. I want to just remain in the
25 hospital until I get my surgery.

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1 THE COURT: I am not aware of any effort to
2 interfere with your surgery. And again, your attorney
3 can take that up if there is something --

4 THE DEFENDANT: Okay.

5 THE COURT: -- -- that needs to be done.

6 THE DEFENDANT: He is going to meet with me and
7 then he'll apprise you.

8 THE COURT: I'm sorry?

9 THE DEFENDANT: He --

10 MR. FREEMAN: Exactly.

11 THE DEFENDANT: So my attorney is going to meet
12 with me and then he'll inform you or the Court?

13 THE COURT: If there's something that needs --
14 the Court needs to be aware of, your attorney can
15 certainly take -- can certainly do that. All right?

16 THE DEFENDANT: Thank you.

17 THE COURT: If there's nothing further, then we
18 are adjourned. Thank you.

19 MR. GREEN: Thank you, your Honor.

20 THE DEFENDANT: Thank you.

21 (Matter concluded)

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C E R T I F I C A T E

I, ROSALIE LOMBARDI, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this
29th day of October, 2007.


Rosalie Lombardi
Transcription Plus II

